

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICK LARSEN, individually and on behalf of
all others similarly situated,

Plaintiffs

v.

PTT, LLC,

Defendant.

Cause No. C18-5275RSL

ORDER DENYING IN PART
PLAINTIFF'S MOTION TO
SEAL

This matter comes before the Court on "Plaintiff's Motion to Seal." Dkt. # 249. The documents at issue are the transcript of the deposition of Anthony Singer, defendant's Chief Executive Officer (Dkt. # 250-1), transaction data for defendant's on-line casinos (submitted on a USB per Dkt. # 253), and the unredacted motion for leave to amend that discusses the other documents (Dkt. # 250). The motion to seal was filed on January 4, 2024, and noted for consideration on the Court's calendar for January 19, 2024. Neither defendant nor the third-parties who designated the transaction data as confidential filed a response.

"There is a strong presumption of public access to the court's files," and, absent a showing that the public's right of access is outweighed by the interests of the public and/or the parties in shielding the material from public view, a seal is not appropriate. LCR 5(g). A party's

ORDER DENYING IN PART PLAINTIFF'S
MOTION TO SEAL - 1

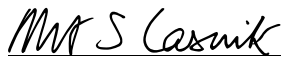
1 unilateral designation of a document as confidential under a protective order does not, in and of
2 itself, justify a seal under LCR 5(g)(2). Defendant received timely notice of plaintiff's intent to
3 file the deposition transcript of Mr. Singer but has not attempted to show that legitimate private
4 or public interests warrant a seal, that injury would result from public disclosure, or that the
5 public's right of access should give way. The transcript will, therefore, be unsealed.
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8 With regards to the materials that Apple Inc. and Meta Platforms, Inc., designated as
9 confidential, there is no indication that plaintiff gave notice to the third-parties that the
10 information they provided would be filed in the public record or that he conferred with the
11 interested parties about withdrawing or minimizing the designations. *See* Dkt. # 62 at ¶ 4.4; Dkt.
12 # 183 at 6; Dkt. # 254 at 3-4. Until the designating parties are given an opportunity to support
13 their claims of confidentiality, it would be premature to unseal the transaction data or the
14 memorandum that references it.
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18 For all of the foregoing reasons, plaintiff's motion to seal is DENIED in part, and the
19 remainder of the issues are taken under consideration. The Clerk of Court is directed to unseal
20 Dkt. # 250-1, to ensure that the USB referenced in Dkt. # 253 is sealed for the time being, to
21 send a copy of this Order to Apple's counsel at tsnyder@lewisllewellyn.com and Meta's counsel
22 at aliu@gibsondunn.com, and to renote plaintiff's motion to seal (Dkt. # 249) on the Court's
23 calendar for Friday, February 9, 2024. If the designating parties fail to overcome the strong
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1 presumption of public access to the Court's files, the motion will be denied and the documents
2 unsealed.
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4 Dated this 26th day of January, 2024.
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7 Robert S. Lasnik
8 United States District Judge
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